

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA  
CRIMINAL MOTION HEARING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Billy Mack Ashmore (1),

Defendant.

**COURT MINUTES**

BEFORE: Leo I. Brisbois  
U.S. Magistrate Judge

Case No:	16-cr-231 (ADM/LIB) (1)
Date:	October 4, 2016
Court Reporter:	Digital Recorder
Courthouse:	St. Paul
Courtroom:	Devitt
Time Commenced:	10:10 a.m.
Time Concluded:	10:46 a.m.
Sealed Hearing Time:	n/a
Time in Court:	0 Hours & 36 Minutes
Hearing Type:	Oral Argument

**APPEARANCES:**

Plaintiff:	Surya Saxena, Assistant U.S. Attorney
For Defendant Billy Mack Ashmore (1):	Christopher Perske & Robert D. Miller, Retained

Non-Dispositive motion taken under advisement as of today: **19**

Dispositive motion recommended **DENIED** from the Bench for reasons stated on the record: **21**

**Additional Information:**

At the motions hearing, the counsel for the Government and Defense agreed on the record that (1) Defendant would not object pursuant to LR 72.2(b) to the Recommendation to DENY Docket No. 21 made from the Bench by the U.S. Magistrate Judge, and therefore, the current trial date of 10/24/16 could proceed as scheduled unless a separate, independent motion for continuance of the trial date were filed by Defendant and supported by Defendant's Statement of Facts for the exclusion of time from under the Speedy Trial Act; (2) Defendant would not raise the recommended Denial of Docket No. 21 by the U.S. Magistrate Judge on appeal to the 8<sup>th</sup> Circuit post-trial if the Defendant were to be convicted on any of the Counts set forth in the applicable Indictment; and (3) the Government would not argue that the lack of objections by the Defendant to the recommended Denial of Docket No. 21 by the U.S. Magistrate Judge pursuant to LR 72.2(b) constituted a waiver of the Defendant's ability to renew his "outrageous conduct" argument at trial based upon the evidence introduced at trial as either a motion for a directed verdict, a post-trial motion for a new trial, or as an appeal to the 8<sup>th</sup> Circuit based upon the denial of a timely made motion for directed verdict or new trial.

s/Jose Gonzalez  
Signature of Law Clerk